

Comments

Claim Rejections – 35 USC § 103

The Examiner rejected claims 86-104 under 35 U.S.C. §103(a) as being unpatentable over Curry in view of Pugh.

The Examiner cited the court decision "...that mere size is not ordinarily a matter of invention..." and "...the size of the article under consideration which is not ordinarily a matter of invention...". However, the current invention is not "ordinary" and has a similar nature to the following patents for its advantages which did not appear in any of Curry or Pugh's patents. Therefore, applicant respectfully request Examiner to reconsider the rejection of claims 86-104 based on the patentability of following patents:

6,942,518 Small volume in vitro analyte sensor and methods

6,749,740 Small volume in vitro analyte sensor and methods

6,618,934 Method of manufacturing small volume in vitro analyte sensor

6,616,819 Small volume in vitro analyte sensor and methods

6,576,101 Small volume in vitro analyte sensor

6,551,494 Small volume in vitro analyte sensor

Very respectfully,

Tom C. Xu

Applicant



21010 Sherman Drive

Castro Valley, CA 94552

Tel. (510) 888-9627

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September 10, 2007

Tom C. Xu, Applicant

A handwritten signature in black ink, appearing to read 'Tom C. Xu', written over a horizontal line.